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Attorney for Defendant

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
GILBERTO G. BARRIENTOS, )  
 )  
Defendant. )

**Case No.: 2:19-cr-00053-RFB-BNW**

**STIPULATION TO CONTINUE PRE-  
TRIAL MOTIONS**

Certification: This stipulation is timely filed.

**IT IS HEREBY STIPULATED** by and between , ALLISON REESE , Assistant United States Attorney, counsel for Plaintiff, UNITED STATES OF AMERICA, Defendant, GILBERTO G. BARRIENTOS, by and through his counsel DAN M. WINDER, ESQ., of the LAW OFFICE OF DAN M. WINDER, PC, that the pre-trial motions in this matter currently due by September 3, 2019, be continued to September 16, 2019.

This stipulation is entered into for the following reasons:

1. Counsel for Defendant requires additional time to review the discovery provided by the Government, and to investigate the Government's allegations as to their client.
2. In addition, there are ongoing negotiation discussions between counsel for the Government and the defense and as such, negotiations may obviate the need for a trial in this case.
3. The parties agree to the continuance sought herein.
4. The Defendant does not object to the continuance in this matter.

1 5. The additional time requested herein is not sought for purposes of delay.  
2 6. Denial of this request for continuance could deny the Defendants the opportunity to effectively  
3 prepare for trial and/or result in a miscarriage of justice.  
4 7. The additional time requested by this Stipulation is excludable in computing the time within  
5 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States  
6 Code, Section 3161(h)(7)(A) considering the factors under Title 18, United States Code, Sections  
7 3161(h)(7)(B)(i) and (ii).  
8 8. This is the first request for continuance of the pre-trial motions, Calendar Call and Trial  
9 herein.

10 DATED this 30<sup>th</sup> day of August, 2019.

11  
12 NICHOLAS A. TRUTANICH US ATTORNEY LAW OFFICE OF DAN M. WINDER, PC

13  
14 /s/ Allison Reese  
15 ALLISON REESE  
16 Assistant United States Attorney  
Nevada State Bar #13977  
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/s/ Dan M. Winder  
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**Case No.: 2:19-cr-00053-RFB-BNW**

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

Certification: This stipulation is timely filed.

**FINDINGS OF FACT**

Based on the Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for Defendant requires additional time to review the discovery provided by the Government, and to investigate the Government's allegations as to their client.
2. In addition, there are ongoing negotiation discussions between counsel for the Government and the defense and as such, negotiations may obviate the need for a trial in this case.
3. The parties agree to the continuance sought herein.
4. The Defendant does not object to the continuance in this matter.
5. The additional time requested herein is not sought for purposes of delay.
6. Denial of this request for continuance could deny the Defendants the opportunity to effectively

1 prepare for trial and/or result in a miscarriage of justice.

2 7. The additional time requested by this Stipulation is excludable in computing the time within  
3 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States  
4 Code, Section 3161(h)(7)(A) considering the factors under Title 18, United States Code, Sections  
5 3161(h)(7)(B)(i) and (ii).

6 8. This is the second request for continuance of pre-trial motions filed herein.

### 7 **CONCLUSIONS OF LAW**

8 The ends of justice served by granting said continuance outweigh the best interest of the  
9 public and the Defendant in a speedy trial, since the failure to grant said continuance would be  
10 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
11 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
12 account the exercise of due diligence.

13 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United  
14 States Code, Section 3161(h)(7)(A) considering the factors under Title 18, United States Code,  
15 Sections 3161(h)(7)(B)(i) and (ii).

### 16 **ORDER**

17 **IT IS HEREBY ORDERED** that the pre-trial motions currently due on September 3,  
18 2019 shall be and are hereby continued to the 16<sup>th</sup> day of September 16, 2019.

19 DATED this 3rd day of September, 2019.

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21   
22 RICHARD F. BOULWARE, II  
23 UNITED STATES DISTRICT JUDGE  
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